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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,775	04/15/2004	Faith T. Chandler	BO1-0270US	8775
60483	7590	02/20/2007		
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER BUSS, BENJAMIN J	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 02/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/825,775	CHANDLER ET AL.	
	Examiner	Art Unit	
	Benjamin Buss	2129	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Benjamin Buss. (3) Rustan Hill (Reg. No. 37,351).  
 (2) Joseph Hirl. (4) \_\_\_\_\_.

Date of Interview: 12 February 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

JOSEPH P HIRL  
 PRIMARY EXAMINER  
 TECHNOLOGY CENTER 2100



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant initiated personal interview to explain the invention in light of the proposed amendments to the claims (attached). Applicant asserts that one thing that makes the invention novel is that the computer presents a bounded list of potential human errors to an operator, who selects what item(s) on the list to future evaluate, the operator subsequently assigning a likelihood of occurrence to the item. Examiner agreed that the amendment is heading in the correct direction, but noted that further search and consideration would be required.



## Fax Cover Sheet

DATE: January 31, 2007

TO: Examiner Benjamin Buss

FAX #: 571-273-5831

FROM: Rustan J. Hill

RE: U.S. Application No. 10/825,775

NUMBER OF PAGES (including cover sheet): 7

Our File BO1-0270US

This Document and any attached documents are proprietary and confidential, and are intended only for the use of the parties named above. Use by any other party is prohibited. If you have received this communication in error, please notify us immediately by telephone and return the documents to the address listed below.

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PTOL-413A (09-06)  
Approved for use through 03/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/825,775 First Named Applicant: FAITH T. CHANDLER  
Examiner: BENJAMIN J BUSS Art Unit: 2129 Status of Application: PENDING

**Tentative Participants:**

(1) EXAMINER BUSS (2) RUSTAN HILL  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 2/12 OR 2/13 Proposed Time: 1:00 (AM/PM) (PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Ref., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>RES</u>	<u>1-4, 6-16 &amp; 18</u> <u>CLAIMS</u>	<u>APP, SOGG, EIFF</u> <u>BILBOA</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Continuation Sheet Attached <u>PROPOSED CLAIMS</u>					

**Brief Description of Arguments to be Presented:**

(1) DISCUSS CITED PRIOR ART AND PROPOSED AMENDED CLAIMS  
- CITED ART FAILS TO REACH SEARCHING FOR AT LEAST TWO ERRORS, TRANSMITTING  
ON OUTPUT REPRESENTING THE AT LEAST TWO ERRORS, RECEIVING AN INPUT REPRESENTING  
WHICH AT THE ERRORS WERE SELECTED FOR EVALUATION.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

RUSTAN HILL  
Typed/Printed Name of Applicant or Representative

85 37,351  
Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**AMENDMENTS TO THE CLAIMS:**

Claims 1-4, 6-16, and 18-69 were pending at the time of the Office Action with claims 19-69 withdrawn. Claims 1 and 4 are hereby amended. Claims 1-4, 6-16, and 18-69 remain pending with claims 19-69 withdrawn.

In the Claims:

1. (Currently Amended) A method for performing human factors process failure modes and effects analysis for a process, the method comprising:

receiving, at a data processing device, inputs representing at least one task involved in the process, the task including at least one human activity and described using at least one verb;

extracting, with the data processing device, the at least one verb from the received inputs representing the at least one task involved in the process;

searching, with the data processing device, a database for at least ~~one~~ two potential human ~~error~~ errors resulting from the human activity, the at least ~~one~~ two potential human ~~error~~ errors resulting from the human activity being related to the at least one verb extracted by the data processing device;

transmitting, from the data processing device, an output representing the at least ~~one~~ two potential human ~~error~~ errors;

receiving, at the data processing device, an input representing which of the at least two potential human errors were selected for evaluation;

transmitting, from the data processing device, an output representing at least one of the human errors selected for evaluation;

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receiving, at the data processing device, an input representing a likelihood of occurrence of the human error;

receiving, at the data processing device, an input representing a likelihood of correction of the human error;

receiving, at the data processing device, an input representing a potential severity of an effect of the human error;

calculating, with the data processing device, a risk of potential harm from the received inputs representing the likelihood of occurrence of the human error, the likelihood of correction of the human error, and the potential severity of the effect resulting from the human error;

comparing, at the data processing device, the calculated risk of potential harm with a risk threshold;

transmitting, from the data processing device, an output representing errors that exceed the risk threshold;

receiving, at the data processing unit, an input representing additional analysis of errors that exceed the risk threshold; and

transmitting, from the data processing device, an output representing a human factors process failure modes and effects analysis report.

2. (Previously Presented) The method of Claim 1, wherein the inputs representing the at least one task include identifying a human-system interface.

3. (Previously Presented) The method of Claim 1, wherein the database is a potential human error database associating potential human errors with verbs useable describing the human activity involved in the task.

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4. (Currently Amended) The method of Claim 1, further comprising displaying the at least ~~one~~ two potential human error errors in an error list.

5. (Canceled)

6. (Original) The method of Claim 1, wherein calculating the risk of potential harm further comprises quantifying the likelihood of occurrence of the error, quantifying the likelihood of correction of the human error, quantifying the likelihood of the effect of the error, and quantifying the potential severity of the effect of the error.

7. (Previously Presented) The method of Claim 1, wherein the input representing the potential severity of the human error includes a worst-case effect of the human error such that the risk of potential harm includes a risk of a worst-case effect of human error.

8. (Previously Presented) The method of Claim 7, further comprising receiving, at the data processing device, an input representing mechanisms that allow at least one of detection, correction, and prevention of the human error prior to the worst-case effect occurring.

9. (Previously Presented) The method of Claim 1, further comprising generating, with the data processing device, at least one performance-shaping factor for the human error that changes the likelihood that the human error will occur, the performance-shaping factor being related to the human activity involved in the task.

10. (Previously Presented) The method of Claim 9, further comprising displaying the at least one performance-shaping factor in a performance-shaping factor list from which a user can select at least one performance-shaping factor that changes the likelihood that the potential human error will occur.

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11. (Previously Presented) The method of Claim 1, further comprising generating, with the data processing device, at least one barrier directed to preventing the occurrence of the human error.

12. (Previously Presented) The method of Claim 11, further comprising recalculating, with the data processing device, the risk of potential harm to include an effect of the barrier in preventing the occurrence of the human error.

13. (Previously Presented) The method of Claim 1, further comprising generating, with the data processing device, at least one control directed to mitigating the effect of the human error.

14. (Previously Presented) The method of Claim 13, further comprising recalculating, with the data processing device, the risk of potential harm to include an effect of the control in mitigating the effect of the human error.

15. (Previously Presented) The method of Claim 13, further comprising recalculating, with the data processing device, the risk of potential harm to include human error probability data.

16. (Previously Presented) The method of Claim 1, further comprising receiving, at the data processing device, an input representing a recommendation that one of prevents the human error, allows mitigation the effect of the human error, allows detection of the human error, and allows correction of the human error prior to the occurrence of the human error.

17. (Canceled)

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18. (Previously Presented) The method of Claim 1, the report includes a table collecting results of the human factors process failure modes and effects analysis and risk assessment.

19. (Withdrawn) A method for performing human factors process failure modes and effects analysis for a process, the method comprising:

identifying at least one task involved in the process, the task including at least one

human activity and at least one human-system interface;

describing the human activity using at least one verb;

automatically identifying a human error potentially resulting from the human activity,

the human error potentially resulting from the human activity being derived from a potential human error database associating potential human errors related the verb used in describing the task;

identifying a likelihood of occurrence of the human error;

identifying a likelihood of correction of the human error;

identifying a potential severity of an effect of the human error;

automatically calculating a risk of potential harm from the likelihood of occurrence of

the human error, the likelihood of correction of the human error, and the potential severity of the effect resulting from the human error;

comparing the risk of potential harm with a risk threshold to identify appropriateness

of correctives measures to one of reduce or eliminate the risk of potential harm;

and

generating at least one of a report and a table collecting results of the human factors process failure modes and effects analysis.

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